

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Chris Wallace/x1050

SUBJECT: Resolution

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO DESIGNATION OF THE TOWN ADMINISTRATOR TO RECEIVE AND REVIEW CONFIDENTIAL INFORMATION CONCERNING THE LOCAL COMMUNICATIONS SERVICE TAX; PROVIDING FOR SHARING THIS INFORMATION; REQUIRING THAT THIS INFORMATION REMAIN CONFIDENTIAL; PROVIDING FOR NOTICE TO THE FLORIDA DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The 2000 Legislature changed the laws involving telecommunications taxes and cable franchise fees. As part of that change, certain information that is to be made available to the Town must be made to a person designated by the Town to receive and be responsible for the confidential information received by the State from the telecommunications and cable companies. This resolution designates the Town Administrator as the designee.

PREVIOUS ACTIONS: None.

CONCURRENCES: None.

FISCAL IMPACT:

Has request been budgeted? N/A

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Recommend Approval

Attachment(s): Resolution

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO DESIGNATION OF THE TOWN ADMINISTRATOR TO RECEIVE AND REVIEW CONFIDENTIAL INFORMATION CONCERNING THE LOCAL COMMUNICATIONS SERVICE TAX; PROVIDING FOR SHARING THIS INFORMATION; REQUIRING THAT THIS INFORMATION REMAIN CONFIDENTIAL; PROVIDING FOR NOTICE TO THE FLORIDA DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, chapter 2000-260, Laws of Florida, as amended by chapter 2001-140, Laws of Florida, together known as the “Communications Services Tax Simplification Act” (the “Act”), and,

WHEREAS, The Act imposes a tax on the sales of communications services within the State of Florida, and,

WHEREAS, The Act requires the sellers of communications services within the State of Florida to provide reports of gross sales and other information relating to the sale of communications services within the State of Florida to the Florida Department of Revenue, and,

WHEREAS, chapter 2001-139, General Laws of Florida, amends section 213.053, Florida Statutes, authorizing the Florida Department of Revenue to share this taxpayer information with local governments within the State of Florida, and,

WHEREAS, chapter 2001-139, General Laws of Florida, amends section 213.053, Florida Statutes, making such taxpayer information so provided to the Florida Department of Revenue by sellers of communications services confidential and exempt from Florida's public records laws, and,

WHEREAS, chapter 2001-139, General Laws of Florida, amends section 213.053, Florida Statutes, extending this confidential status to such the information shared by the Florida Department of Revenue with local governments within the State of Florida, and,

WHEREAS, chapter 2001-139, General Laws of Florida, amends section 213.053, Florida Statutes, authorizing local governments to designate a person as requiring access to this confidential taxpayer information,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF DAVIE, FLORIDA AS FOLLOWS:

Section 1. Intent. It is the intent of the Town of Davie, Florida, pursuant to section 1, 2001- 139, General Laws of Florida (amending section 213.053(7), Florida Statutes (2000)), to designate a person requiring access to confidential taxpayer information relating to revenues received by the Town from the local communications services tax imposed under section 202.19, Florida Statutes, as amended.

Section 2. Designation of Town Administrator. The Town of Davie, Florida, pursuant to section 1, 2001-139, General Laws of Florida (amending section 213.053(7), Florida Statutes (2000)), does hereby designate the Town Administrator as a person requiring access to confidential taxpayer information relating to revenues received by the Town from the local communications services tax imposed under section 202.19, Florida Statutes, as amended.

Section 3. Sharing of Confidential Information. The Town of Davie, Florida pursuant to section 1, 2001-139, General Laws of Florida (amending section 213.053(7), Florida Statutes (2000)), does hereby authorize the Town Administrator to disclose this confidential information with others so long as these other persons have direct responsibility for budget preparation, auditing, revenue or financial administration, or legal counsel.

Section 4. Continued Confidentiality. The Town of Davie, Florida does hereby declare that any confidential taxpayer information received from the Florida Department of Revenue by the Town Administrator, and any such information shared by the Town Administrator with other persons shall remain confidential pursuant to and subject to section 1, 2001-139, General Laws of Florida (amending section 213.053(7), Florida Statutes (2000)).

Section 5. Notice to the Florida Department of Revenue. The Town of Davie, Florida, directs that written notice of the designation of the Town Administrator, as stated above, be provided to the Florida Department of Revenue.

Section 6. Repeal of Prior Inconsistent Resolutions. All prior inconsistent resolutions adopted by the Town of Davie, Florida , or parts of resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 7. Severability. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

Section 8. Effective Date. The effective date of this Resolution shall be immediately upon its passage.

PASSED AND ADOPTED this ____ day of _____, 2001.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001